IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 29410 of 2007(A)

PETITIONER:

DR.G.VIJAYAKUMAR,
ANANDABHAVAN, EDAVA (PO), THIRUVANANTHAPURAM DT.
(ASSISTANT SURGEON, GOVT. HOSPITAL VARKALA ON LEAVE).

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS:

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1. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

2. STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT,
HEALTH & FAMILY WELFARE DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO.29410 of 2007

Dated this the 4th day of October, 2007

JUDGMENT

Petitioner is working as an Assistant Surgeon in the Health Services Department. He had availed of leave without allowance for study as per Ext.P1 order. Though he was granted leave for one year, he cancelled the same prior to the expiry of the entire period and sought for a posting, indicating a particular choice in the Government Hospital, Varkala where a vacancy was then remaining unfilled. Petitioner was permitted to rejoin duty as per Ext.P2 order. Petitioner received the order on 25.9.2007 and according to the petitioner, he was posted at the Primary Health Centre, Vettoor in Thiruvananthapuram District. According to the petitioner, he being an Assistant Surgeon, who has specialised in Diabetology after post graduation in General Medicine, should not be posted at a Primary Health Centre. Petitioner's grievance has been brought to the notice of the Director of Health Services by Ext.P3. Learned counsel for the petitioner submits that Ext.P4 indicates that there are two vacancies of Assistant Surgeons, both at the Government Hospital, Varkala.

2. The writ petition is disposed of directing the first respondent to look into Ext.P3 and take a decision thereon, at any rate, within a period of three weeks from the date of receipt of a copy of this judgment in the light of Ext.P4 as well.

V. GIRI, JUDGE

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